

FULL TEXT

OF THE

TAX LIMIT LAW

As passed by the House and Senate, and as it will be engrossed for the signatures of the Speaker of the House and the President of the Senate to be signed by them in the presence of their respective bodies when in session on May 10, 1910, and then submitted to the Governor for his approval.

Published by the
OHIO STATE BOARD OF COMMERCE.

78th GENERAL ASSEMBLY,
REGULAR SESSION, 1910.

MR. ALSDORF.

SENATE BILL No. 4

A BILL

To secure an equitable valuation of property for taxation by limiting the tax rate, limiting the power to issue bonds, removing certain penalties for improper valuation and amending certain sections of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In any taxing district, the taxing authority shall levy a tax sufficient to provide for sinking fund and interest purposes.

SECTION 2. The maximum rate of taxes that may be levied for all purposes, by the taxing authorities of any taxing district, upon the taxable property therein, shall not in any one year exceed ten mills on each dollar of the tax valuation of the taxable property of such district, for that year, including the taxes levied under authority of Section one of this act.

If, in any year, such rate of ten mills will not produce an amount equal to the aggregate amount of taxes levied in such district in the year 1909 plus six per cent. thereof for the year 1911, nine per cent. for the year 1912, and twelve per cent. thereof for any year thereafter, but exclusive of any additional amount authorized for sinking fund purposes, or under the provisions of section five of this act, or emergencies as provided for in sections forty four hundred and fifty, forty four hundred and fifty one, fifty six hundred and twenty nine and seventy four hundred and nineteen of the General Code, such rate may be increased to the extent necessary to produce such aggregate amount, but in no case to exceed fifteen mills exclusive of levies for sinking fund and interest purposes.

SECTION 3. The maximum rate of taxation in any taxing district for any purpose, as now fixed, shall be and is hereby changed so that such maximum rate, as levied on the total valuation of all taxable property in the taxing district

in each of the years 1911 and 1912 and any year thereafter would produce no greater amount of taxes, than the present maximum rate for such purpose, if levied on the total valuation of all the taxable property therein for the year 1910, would produce, plus the additions herein provided for. Any minimum rate required by law to be levied for any purpose, is hereby reduced in like proportion that the maximum rate is herein reduced. The intent and purpose of this act is to provide that an increase in the total valuation of all taxable property in the several taxing districts, shall not increase the total amount of taxes now levied therein, except to the amount of the additions herein provided for, but nothing herein shall prevent the levying of an aggregate tax of ten mills in any district.

SEC. 4. For the emergencies mentioned in sections forty four hundred and fifty, forty four hundred and fifty one, fifty six hundred and twenty nine and seventy four hundred and nineteen of the General Code, the taxing authorities of any district may levy a tax sufficient to provide therefor, irrespective of any of the limitations of this act.

SEC. 5. If in any one year, in any taxing district, the aggregate amount of taxes authorized by Section two of this act is insufficient, a greater tax may be levied in such taxing district for any purpose for which such taxing district is authorized to levy taxes, if the proposition to make such additional levy shall first be submitted to the electors of such taxing district. The submission of such question to the electors shall be at the next general election after an ordinance or order for such purpose takes effect, if there be such an election within ninety days thereafter. In case no general election takes place within such period, such question may be submitted at a special election in the manner provided by Sections thirty-nine hundred and forty-nine to thirty-nine hundred and fifty-two of the General Code, inclusive, so far as they may be applicable. Such increased levy may be made if a majority of the votes cast on the question at such election are in favor thereof. The form of the ballot cast at such election shall be:

For an additional tax of.....dollars for the purpose of
..... yes.

For an additional tax of dollars for the purpose of
..... no.

SEC. 6. Whenever two or more taxing district are consolidated by annexation or otherwise, the aggregate amount of taxes authorized under Section two of this act, for such consolidated district shall not exceed the sum of the aggregate amounts which would have been authorized for all of said taxing districts separately.

SEC. 7. That sections thirty-nine hundred and forty-two, thirty-nine hundred and forty-five, thirty-nine hundred and forty-eight and thirty-nine hundred and fifty-four of the General Code be amended to read as follows:

SEC. 3942. The net indebtedness incurred by any township or municipal corporation for the purposes mentioned in Sections thirty-two hundred and ninety-five and thirty-nine hundred and thirty-nine of the General Code, shall never exceed two and one-half per cent. of the total value of all the property in such corporation or township, as listed and assessed for taxation unless the excess of such amount is authorized by vote of the qualified electors of the township or corporation in the manner hereinafter provided.

SEC. 3945. Such limitation of one per cent. and two and one-half per cent. hereinafore prescribed shall not affect bonds lawfully issued for such purposes upon the approval of the electors of the township or corporation.

SEC. 3948. Before any bonds in excess of such limitations of one per cent. and two and one-half per cent. are issued and tax levied, the question of issuing them shall be submitted to the voters of the township or corporation at a general or special election.

SEC. 3954. No municipal corporation or township shall create or incur a net indebtedness under the authority of this chapter in excess of five per cent. of the total value of all the property in such township or corporation as listed and assessed for taxation. Bonds issued in good faith for such purposes, which at the time of issue were within the limitations existing at the time of such issue, shall be valid obligations of the township or municipal corporation which issued them. In ascertaining the limitations of such five per cent. and of such two and one-half per cent., all such bonds shall be considered, except those specifically excluded by section thirty-nine hundred and forty-six of the General Code.

SECTION 8. That sections 5398, 5399, 5400, 5401, and 5402 of the General Code, be amended so as to read as follows:

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SEC. 5398. If a person required to list property or make a return thereof for taxation, either to the assessor or the county auditor, in the year 1911 or in any year thereafter makes a false return or statement, or evades making a return or statement, the county auditor for each year shall ascertain as near as practicable, the true amount of personal property, moneys, credits, and investments that such person ought to have returned or listed for the year 1911 or for any year thereafter for which the inquiries and corrections provided for in this chapter are made. To the amount so ascertained as omitted for each year he shall add fifty per cent., multiply the omitted sum or sums, as increased by said penalty by the rate of taxation belonging to said year or years, and accordingly enter the amount on the tax lists in his office, giving a certificate therefor to the county treasurer who shall collect it as other taxes.

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SEC. 5399. If any person required to list property, or make a return thereof for taxation to the assessor or county auditor, or to a board, officer, or person, other than a board composed of officers of more than one county, *in the year nineteen hundred and eleven*, or in any year or years *thereafter* fails to make a return or statement, or if such person makes a return or statement of only a portion of his taxable property, and fails to make a return as to the remainder thereof, or if he fails to return his taxable property or part thereof, according to the true value thereof in money, as provided by law, the county auditor for each year as to such property omitted and as to property not returned or taxed according to its true value in money, shall ascertain as near as practicable the true amount of personal property, moneys, credits, and investments that such person ought to have returned or listed, and the true value at which it should have been taxed in his county for not exceeding the five years next preceding the year in which the inquiries and corrections provided for in this section and in the next preceding and the next two succeeding sections are made and *not in any event prior to the year nineteen hundred and eleven*, and multiply the omitted sum or sums by the rate of taxation belonging to said year or years, and accordingly enter the amount on the tax lists in his office, giving a certificate therefor to the county treasurer, who shall collect it as other taxes. The term "personal property" as used in this section shall apply to all kinds of omitted property for the taxation of which, for any of the years in which it was omitted, provision has not been made by law.

SEC. 5400. The power and duty of the county auditor under the provisions of the next preceding section, shall extend to all cases where property, taxable

within his county, has for any reasons not been assessed and taxed according to its true value in money, as provided by law, except that where provision is made by law for the appraisal and assessment of property by a board composed of officers of more than one county, and such property or part thereof has escaped taxation, the duties provided in such section shall be performed by such board. The board, at any subsequent meeting, may appraise and assess such omitted property for the year or years so omitted, and certify its assessment to the proper officer or officers to be placed upon the tax lists of the proper county or counties for the collection of omitted taxes thereon in a like manner as current assessments are certified by said board, and such officer or officers shall give a certificate therefor to the county treasurer, as in other cases.

SEC. 5401. The county auditor, if he *shall have* reason to believe, or is informed that a person has *in the year nineteen hundred and eleven or in any year thereafter*, given to the assessor a false statement of the personal property, moneys, or credits, investments in bonds, stocks, joint stock companies, or otherwise, that the assessor has not returned the full amount required to be listed in his ward or township, or has omitted or made an erroneous return of property, moneys, or credits, investments in bonds, stocks, joint stock companies, or otherwise, which are by law subject to taxation, shall proceed, *in said year nineteen hundred and eleven or in any year thereafter* at any time before the final settlement with the county treasurer to correct the return of the assessor, and charge such persons on the duplicate with the proper amount of taxes. To enable him so to do, he may issue compulsory process, and require the attendance of any persons whom he thinks have knowledge of the articles, or value of the personal property, money or credits, investment in bonds, stocks, joint stock companies, or otherwise, and examine such persons, on oath, in relation to such statement or return. The auditor, in all such cases, shall notify every such person, before making the entry on the tax-list and duplicate, that he may have an opportunity of showing that his statement or the return of the assessor was correct. The auditor, in all such cases shall file in his office a statement of the facts or evidence upon which he made such correction; but, he shall not reduce the amount returned by the assessor, without the written assent of the auditor of state, given on a statement of facts submitted by the county auditor.

SEC. 5402. If a person makes a false statement of the amount of property for taxation, to wholly or partially evade the payment of taxes, he shall pay all costs and expenses that may be incurred under the provisions of the next preceding section, and like fees and costs shall be allowed and paid as are allowed by law, for similar services, and if not paid, may be collected before any justice of the peace of the proper county, by suit in the name of the county commissioners. In all cases under such section, where the statement is found correct, and no intention to evade the payment of taxes appears, the costs and expenses incurred shall be paid out of the *county* treasury of the proper county, on the order of the county auditor.

SECTION 9. The provisions of this act shall not apply to the levy or collection of taxes for the year nineteen ten or to the assessment of personal property for taxation for the year 1910.

SEC. 10. That said original Sections 3942, 3945, 3948, 3954, 5398, 5399, 5400, 5401, and 5402 of the General Code, and all acts or parts of acts in conflict herewith be and the same are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after January 1, 1911.